

REMARKS

The paragraph beginning on page 9, line 10 has been amended to correct typographical errors. Claims 1, 3, 4, 6, 8-10, 12, 13, 15, 16, 19-21, 25-27, 32, 35 have been amended. Claims 36-61 have been added, and are supported, e.g., by language in the current claims.

Applicants thank the Examiner for identifying claims 1-4, 6-10, 20-24, and 27-31 as allowable. No claim stands rejected on the grounds of § 102 or 103. However, claims 1, 2, 3, 8, 9, 20-24 and 27-31 were rejected as indefinite. Applicants address these rejections seriatim. The Examiner's remarks are quoted in small bold face type.

Claim 1, the definition of X5, contains Glu twice.

Claim 1 has been amended to correct the repetition of Glu in X₅.

Claim 9 does not further limit claim 8 because the specification of residues X5, X7, X11 and X13 are the same in both claims.

Claim 9 has been amended to read, "The polypeptide according to claim 8, wherein the amino acid residue X₁₀ is Leu." Claim 9 is narrower than claim 8 because, in claim 9, X₁₀ is Leu, whereas, in claim 8, X₁₀ can be Leu or Thr.

Claims 3, 8, 9, 20-24 and 27-31 are indefinite due to the presence of the phrase "or combinations of such selections" because the meaning of that phrase is unclear.

Applicants respectfully disagree, but have amended the claims to expedite prosecution. Claims 3, 8, and 9 have been amended to remove the term "or combinations of such selections." Applicants submit that these amendments overcome the rejection for indefiniteness for claims 3, 8, and 9, and for claims 20-24 and 27-31 that depend from them.

Claims 4, 6, 7, and 10 are objected to as being dependent upon a rejected base claim.

Claim 6 is now independent. This amendment avoids ambiguity that might arise from the numbering of X residues in SEQ ID NOs:1 and 2 and the properties of residues X₄ and X₁₂ of SEQ ID NO:1.

At paragraph 2 of the most recent office action, the Examiner wrote:

In view of the minor nature of the rejections of the product claims, applicants are advised that the method claims will be subject to rejoinder when the claims are amended to overcome the rejections presented below.

Applicants respectfully request that the Examiner rejoin the withdrawn claims.

Applicants may wish to amend the withdrawn process claims in response to this Office action prevent problems arising after rejoinder. One such amendment would be to correct the dependency to no longer depend from two cancelled claims.

Claims 12, 16, 19, 20, 25-27, 32, and 35 have been amended to remove references to canceled claims.

Another such amendment would be to spell out the acronyms in claim 21.

Claim 21 has been amended to replace the acronyms with the full chemical names of the chelators.

Conclusion

To summarize, the claims to polypeptides were only rejected on "minor" grounds. The Applicants have addressed each of these rejections above. The Applicants respectfully submit that all claims are in condition for allowance, which action is expeditiously requested. All amendments and cancellations are made without prejudice and disclaimer and may be made for reasons not explicitly stated or for reasons in addition to ones stated.

The application at present has 251 claims (231 in excess of twenty). Based on an inspection of the Image File Wrapper through PAIR, the Applicants' present attorneys and agents have ascertained that 255 extra claims have already been paid for. See, e.g., the PTO-Form 875 dated 12/12/20002 and accompanying PTO-1556 Fee Record Sheet.

However, the Applicants urge the Office to verify that the appropriate fees have been levied.

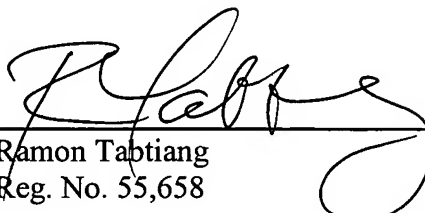
Applicant : Wescott et al.
Serial No. : 10/034,974
Filed : December 21, 2001
Page : 16 of 16

Attorney's Docket No.: 10280-104001 / HB0007

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 9 Dec. 2004



Ramon Taptiang
Reg. No. 55,658

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906